

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHC #9451 1610057  
ZNY CCCCC ZZH  
O 100035Z JUN 09  
FM SECSTATE WASHDC  
TO RUEHUJA/AMEMBASSY ABUJA IMMEDIATE 0000  
RUEHAR/AMEMBASSY ACCRA IMMEDIATE 0000  
RUEHEG/AMEMBASSY CAIRO IMMEDIATE 0000  
RUEHDK/AMEMBASSY DAKAR IMMEDIATE 0000  
RUEHDJ/AMEMBASSY DJIBOUTI IMMEDIATE 0000  
RUEHKM/AMEMBASSY KAMPALA IMMEDIATE 0000  
RUEHKH/AMEMBASSY KHARTOUM IMMEDIATE 0000  
RUEHLGB/AMEMBASSY KIGALI IMMEDIATE 0000  
RUEHLU/AMEMBASSY LUANDA IMMEDIATE 0000  
RUEHLS/AMEMBASSY LUSAKA IMMEDIATE 0000  
RUEHOU/AMEMBASSY OUAGADOUGOU IMMEDIATE 0000  
RUEHPL/AMEMBASSY PORT LOUIS IMMEDIATE 0000  
RUEHSA/AMEMBASSY PRETORIA IMMEDIATE 0000  
RUEHYD/AMEMBASSY YAOUNDE IMMEDIATE 0000  
RUEHG/USMISSION GENEVA IMMEDIATE 0000  
INFO HUMAN RIGHTS COUNCIL COLLECTIVE IMMEDIATE  
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 0000

C O N F I D E N T I A L STATE 059451

SENSITIVE  
SIPDIS

E.O. 12958: DECL: 06/09/2019

TAGS: PHUM PREL SU

SUBJECT: ACTION REQUEST: RENEWING THE SUDAN SPECIAL  
RAPPORTEUR MANDATE AT THE UN HUMAN RIGHTS COUNCIL

REF: STATE 55852

Classified By: Assistant Secretary for International  
Organizations Esther Brimmer per E.O. 12948 1.4 (b) and (d)

1.(U) This is an action request for African Human Rights  
Council posts, Khartoum, and Geneva. Please see paragraphs 4  
and 5.

All other Human Rights Council posts may at their discretion  
draw from this demarche as appropriate in their discussions  
with host  
governments.

¶2. (SBU) The United States is extremely concerned about the  
upcoming renewal of the mandate for the Special Rapporteur on  
human rights situation in Sudan at the Human Rights Council  
(HRC) which is likely to come up for a vote in Geneva on  
Thursday, June 18 (one day before the USG takes its seat on  
June 19 as a member of the HRC). Extension of the mandate  
for one year is the USG's first priority at this HRC session.

In consultations with the African Group and others HRC  
members, the EU is drafting a resolution calling for a one  
year extension of the Special Rapporteur for Sudan's mandate.

The Africa Group may offer a competing resolution that  
would not/not renew the mandate. Mission Geneva reports that  
the Government of Sudan (GOS) does not support renewal of the  
mandate. Although the African Group has not yet taken a  
formal position and is reportedly divided, there is a real  
danger that the Africa Group will defer to the GOS's  
position against extending the mandate. Failure for the  
Council to renew the Sudan mandate will further tarnish the  
Council's credibility.

¶3. (C) Given the dire human rights situation throughout  
Sudan, it is vitally important to extend the mandate of the  
Special Rapporteur on the human rights situation in Sudan for  
a full one year, consistent with standard practice for other  
Country-Specific Special Rapporteurs. Apart from the UN  
Humanitarian Coordinator, there are no UN mechanisms other  
than the Special Rapporteur that are set up to cover all  
parts of the country and thus in a position to monitor and  
influence the human rights situation. UNAMID and UNMIS have  
targeted mandates. The Humanitarian Coordinator is concerned

primarily with operational issues of providing assistance and protection to victims of conflict, though the right of access to such humanitarian assistance is also a critical part of the human rights agenda. If the SR mandate on Sudan is renewed, it will be the only UN entity mandated to report on the human rights situation in the entire country. This is particularly important given the planned elections in February 2010. Inability to address the current human rights situation in Sudan and to maintain the Council's primary mechanism for monitoring it would deal yet another blow to the HRC's credibility. The mandate must be renewed for a full year to be truly effective. Moreover, paragraph 60 of the institution building package of the HRC says that country specific mandates of Special Rapporteurs will be for one year. Anything less would be undermining the institution building package. The institution building package can be found at (<http://ap.ohchr.org/documents/E/HRC/resolutions/A%20HRC%20RES%205%201.doc>)

**¶4. (U) OBJECTIVE FOR KHARTOUM ONLY:** Drawing on the points provided below, Post is requested to demarche at the highest appropriate level to seek GOS concurrence on the renewal of the mandate of the Special Rapporteur.

**TALKING POINTS:**

-- We are willing to support a technical, streamlined resolution that renews the mandate of the Special Rapporteur for one year. This streamlined text would avoid prejudging the work of the Special Rapporteur.

-- GoS support for a streamlined text that renews the mandate of the Special Rapporteur would be seen as a step towards transparency and genuine commitment to working on the human rights situation in the entire country. Post should stress the potential benefits to the GOS of cooperating with the international community.

-- This would also give us another platform/mechanism through which we can continue to work bilaterally with the GOS. Such an agreement would not go unnoticed by the international community, and would allow the GOS to tout its cooperation with the international community as it seeks to burnish its image.

**¶5. (SBU) OBJECTIVES FOR ALL REMAINING ACTION ADDRESSEES:** Drawing on the points provided below, Posts should demarche at the highest appropriate level to seek concurrence on renewal of the mandate of the Special Rapporteur on the human rights situation in Sudan. If posts believe it would be counterproductive to deliver this demarche, they should so report to the Department (see para 7). The U.S. delegation to the UN Human Rights Council should draw on points below as appropriate for use in negotiations and lobbying. NOTE: Rwanda and Uganda are not members of the UN Human Rights Council but are active and helpful observers in Geneva. Their views may be helpful in gaining Africa Group consensus.  
END NOTE.

**TALKING POINTS:**

-- Express U.S. commitment to multilateral efforts to protect and promote human rights, and our determination to work closely with other countries to strengthen the Human Rights Council.

-- Stress the U.S. commitment to work especially closely with African Group members to coordinate our efforts on the Council in the spirit of collaboration and mutual respect and in view of our strong bilateral relations.

-- Emphasize U.S. concerns regarding the human rights situation in Sudan, and urge support for a full one-year extension of the mandate of the Special Rapporteur on the human rights situation in Sudan, which is up for renewal during the current June session.

-- Note that we believe the credibility of the HRC will be further seriously undermined should such a resolution

not pass or the mandate be renewed for less than a year.

--Explain that the Special Rapporteur is a complementary mechanism to other UN activities in Sudan that we believe can help progress on improving human rights in Darfur and other areas of Sudan. Apart from the UN Humanitarian Coordinator, there are no UN mechanisms other than the Special Rapporteur set up to cover all parts of the country. UNAMID and UNMIS have targeted and limited mandates that touch on human rights, but do not focus on them. If the SR mandate on Sudan is renewed, it will be the only UN entity mandated to report on the human rights situation in the entire country. This is particularly important given the approaching elections in February 2010.

IF ASKED POINTS FOLLOW:

--If host government expresses support for renewal of the mandate for less than a year, note that paragraph 60 of the Institution Building package of the Human Rights Council states that country-specific mandates are to be renewed for one year.

--If host government suggests that the human rights situation in Sudan is improving, explain that we still have serious concerns about the situation in Sudan and the international community must continue to focus on the situation, for example:

-- Sudan's human rights record remains poor and there continues to be numerous abuses. The September 2008 report of the Special Rapporteur concluded that, &despite some steps by the Government of Sudan principally in the area of law reform, the human rights situation on the ground remains grim, with many interlocutors even reporting an overall deterioration in the country.

--Current problems in Sudan include: the unlawful killing of civilians in Darfur; unlawful killings and other abuses by security forces acting with impunity; disappearances, including hundreds of Darfuris in Omdurman and Khartoum following the May 10 2008 JEM attack; arbitrary arrest and detention, including of human rights activists; denial of fair trials; direct press censorship; and child abuse, including sexual violence and recruitment of child soldiers, particularly in Darfur.

--In Darfur, "humanitarian space" for relief operations continues to be restricted. If host government says that the humanitarian situation there is improving, counter that the situation has not improved but, thankfully, has not deteriorated to the extent that was feared after the GOS expulsion of 13 international organizations and closure of three national humanitarian agencies. Other international humanitarian organizations continue to struggle as they attempt to address gaps, as the GOS has not fully followed through on pledges to improve conditions of access. Acknowledge that Darfur rebels are also egregious abusers of human rights.

--In 2009, Southern Sudan has also experienced a significant increase in inter and intra-ethnic conflict, including fighting in Jonglei and Southern Kordofan States that has some of its roots in human rights abuses.

--(If raised) Sima Samar, the current Special Rapporteur, was only given a visa by the Government of Sudan (GOS) to visit the country at the last minute so her report has been delayed. She conducted her visit from May 25 to June 4. A 4 June press release available on the Office of the High Commissioner for Human Rights (OHCHR) website provides a snapshot of the likely conclusions in the report. Samar notes some progress, but concludes that the situation overall is of grave concern to the international community and that the majority of the recommendations of the Group of Experts have still not been implemented. She also expresses concern over restrictions on Freedom of expression and freedom of assembly in the run-up to the February 2010 elections.

Samar had requested to go to Sudan immediately after her mandate was extended in June 2008 but was not granted a visa.

The GOS finally extended an invitation to her in February 2009, but OHCHR would not grant her travel request at that time as the situation was too dangerous. Because of this, Samar was not able to go to Sudan until very near the end of her mandate.

POINTS OF CONTACT AND REPORTING DEADLINE

6.(U) Posts are requested to respond by June 11 via front channel cable. Posts should not deliver this demarche if they determine that it would be counterproductive to do so. In such cases, posts are requested to inform the Department (IO-RHS and DRL-MLGA). For questions, please contact IO/RHS Amy Ostermeier or Gayatri Patel and DRL/MLGA Kristen McGeeney.

CLINTON